

# HUNTON & WILLIAMS

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FAX

TO NAME: Kumiko C. KOYAMA  
FIRM: U.S. Patent and Trademark Office  
FAX NO.: 703-308-7722  
PHONE NO.: 703-305-3503

PAGES (INCLUDING COVER): 12

ORIGINAL TO FOLLOW IN MAIL: ☐ Yes ☒ No

FROM NAME: Trevor Q. Coddington  
DIRECT DIAL: 202-955-1587

## MESSAGE

Attached is a courtesy copy of a "REQUEST TO RECOGNIZE APPOINTMENT OF A POWER OF ATTORNEY BY LESS THAN ALL APPLICANTS AND DUAL REPRESENTATION UNDER MPEP § 402.10 PREVIOUSLY GRANTED BY PETITION" SUBMITTED ON MAY 8, 2003.

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 202 • 955 • 1500.

## OPERATOR

DATE:  
TIME:  
CLIENT/MATTER NAME:

**FAX RECEIVED**  
May 9, 2003  
TECHNOLOGY CENTER  
RAJASEKHARAN  
Appl. No. 10/035,952  
Filed: December 26, 2001

ATTORNEY DOCKET NO.

66566.01US2

CLIENT/MATTER NO.: 63044.5

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TFC



UNITED STATES PATENT AND TRADEMARK OFFICE

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 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov  
 (202) 292-8000

SEP 20 2002

Paper No. 12

 ALTHEIMER & GRAY  
 TEN SOUTH WACKER DRIVE, SUITE 4000  
 CHICAGO IL 60606-7482

BROBECK COPY MAILED

SEP 17 2002

OFFICE OF PETITIONS

In re Application of	: DECISION NOTING JOINDER OF
Kovesdi and Rajasekharan	: INVENTOR AND PETITION UNDER
Application No. 10/035,952	: 37 CFR 1.47(a) MOOT
Filed: 26 December, 2001	: AND DECISION GRANTING
Attorney Docket No. 66566.01US2	: PETITION UNDER 37 CFR 1.182

This is a decision on the renewed petition under 37 CFR 1.47(a) and 1.182 filed on 23 August, 2002.

The petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The petition under 37 CFR 1.182 is GRANTED.

Papers filed on 23 August, 2002, in response to the Decision Under 37 CFR 1.47(a) and 1.182 mailed on 16 August, 2002, included a Declaration signed by the previously non-signing inventor, Rajasekharan, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

Petitioners should note that the order of inventors' names was established by the declaration filed on 13 May, 2002.

The declaration under 37 CFR 1.63 filed on 13 May, 2002, naming Rosza Kovesdi and Ajit Rajasekharan as joint inventors was signed by joint inventor Kovesdi and gave power of attorney to, *inter alia*, Robert E. Browne (Browne et al.) Of Altheimer & Gray, 10 South Wacker Drive, Suite 4000, Chicago, IL 60606-7482, as the correspondence address of record.

Petitioner Ajit Rahasekharan by way of Trevor Q. Coddington, Rodger L. Tate, Anthony W. Shaw, Cono A. Carrano, Laurence H. Posorske, Robert A. King, and Craig L. Puckett (Coddington et al.) of Brobeck, Phleger & Harrison LLP, 1333 H Street, NW, Suite 800, Washington, DC 20005, assert that a dispute has arisen between Rajasekharan and Kovesdi and seeks to require that all

correspondence filed in this application be signed by representatives of both joint inventors.

In accordance with MPEP 402.10, to assure that all interests are properly and effectively represented, all further correspondence to the U.S. Patent and Trademark Office (USPTO) must be signed by petitioner's representative (Coddington et al.) as named in the declaration and power of attorney submitted on 23 August, 2002, and likewise signed by Browne et al. who remain Kovesdi's representative. Each attorney signing subsequent papers must indicate whom he or she represents.

All parties are reminded that dual correspondence is not permitted and will not be undertaken by the USPTO.

The USPTO will continue to conduct correspondence with the attorneys first named in the application, i.e., Browne et al., at the correspondence address of record noted above, who will also be responsible for coordinating replies or submissions to the USPTO.<sup>1</sup>

It is noted that, notwithstanding this decision, the inventors may still jointly appoint or revoke a power of attorney.

The application is being forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Brobeck, Phleger & Harrison LLP  
Intellectual Property Department  
1333 H Street, N.W., Suite 800  
Washington, D.C. 20005

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<sup>1</sup> See MPEP 402.10.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Ajit RAJASEKHARAN, et al.	)	Group Art Unit: Unknown
Application Number: 10/035,952	)	Examiner: Unknown
Filed: December 26, 2001	)	
For: SYSTEM AND METHOD FOR	)	
AUTHORING AND PROVIDING	)	
INFORMATION RELEVANT TO A	)	
PHYSICAL WORLD	)	

SECOND PETITION UNDER 37 C.F.R. § 1.182 FOR APPOINTMENT  
OF A POWER OF ATTORNEY BY LESS THAN ALL APPLICANTS

Attention: Office of Petitions  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

In view of the newly executed Declaration and Power of Attorney document concurrently submitted herewith, Mr. Ajit Rajasekharan ("Applicant") hereby petitions the Commissioner under 37 C.F.R. § 1.182 to accept Applicant's appointment of representation in the above-captioned patent application. Particularly, Applicant requests that the U.S. Patent & Trademark Office (PTO) accept Applicant's power of attorney, which is signed by only one of the two applicants of the present application for the reasons provided below.

To recap the relevant procedural history of the present patent application, a Declaration was filed on behalf of Ms. Rozsa Kovessdi on May 13, 2002, naming Rozsa Kovessdi and Ajit Rajasekharan as joint inventors. Applicant filed a Declaration on May 4, 2002 (Mr. Rajasekharan's "First Declaration"), declaring himself as a joint inventor. See Mr. Rajasekharan's First Declaration, page 1 ("I believe that I am an original, first, and joint inventor of the subject matter to which at least one claim is directed ..."). Emphasis added. However, the inventive entity set forth in Mr. Rajasekharan's First Declaration failed to identify Ms. Kovessdi as a joint inventor.

Applicant submitted a Petition under 37 C.F.R. § 1.182 on June 4, 2002 (the "First Petition"), to formally join the prosecution under the provisions of MPEP § 402.10. The First Petition was dismissed as moot in the PTO's Decision mailed August 16, 2002, on the grounds that Mr. Rajasekharan's First Declaration does not list the proper inventive entity, and therefore does not comply with 37 C.F.R. § 1.63. Particularly, because Mr. Rajasekharan's First Declaration does not identify the same inventive entity as that set forth in Ms. Kovesdi's Declaration, the PTO contends that Mr. Rajasekharan's First Declaration is improper.

Applicant submits concurrently herewith a newly executed Declaration (Mr. Rajasekharan's "Second Declaration"), which identifies Mr. Rajasekharan and Ms. Kovesdi as the inventive entity. Mr. Rajasekharan's Second Declaration is identical to the First Declaration except that Ms. Kovesdi is now identified in the named inventive entity. The failure to identify Ms. Kovesdi within the inventive entity named in Mr. Rajasekharan's First Declaration was unintentional. Because Mr. Rajasekharan's Second Declaration identifies the same inventive entity as that set forth in Ms. Kovesdi's Declaration, Applicant maintains that this Second Declaration complies with the requirements of 37 C.F.R. § 1.63.

Applicant respectfully requests that the PTO grant the present petition and require that a representative of Ms. Kovesdi and a representative of Mr. Rajasekharan must both sign any subsequent replies in accordance with MPEP § 402.10. Applicant maintains that his rights to the claimed subject matter of the present application are better served by the appointment of representatives other than those appointed by joint applicant, Ms. Rozsa Kovesdi. Particularly, Applicant desires his own representation to prosecute the present application on his behalf because he is the sole inventor of a substantial portion of the presented claims including all independent claims. Allowing Ms. Kovesdi's appointed representative(s) to prosecute the application on the behalf of both Mr. Rajasekharan and Ms. Kovesdi will misrepresent and possibly irreparably harm Mr. Rajasekharan's exclusive rights to the claimed subject matter solely conceived by him.

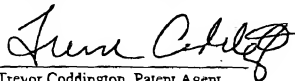
Check No. 015018 in the amount of \$130.00 is enclosed to cover the petition fee set forth in 37 C.F.R. § 1.17(h). In the event that any variance exists between the amount enclosed and the amount determined by the PTO to consider the present Petition and/or to enter Mr. Rajasekharan's Second Declaration, the Commissioner for Patents is hereby authorized to charge or credit such variance to the undersigned's Deposit Account No. 50-1640.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

August 23, 2002

By:



Trevor Coddington, Patent Agent  
Registration No. 46,633

Brobeck, Phleger & Harrison LLP  
Intellectual Property Department  
1333 H Street, N.W., Suite 800  
Washington, D.C. 20005  
Tel: (202) 220-6000  
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PAYEE: COMMISSIONER OF PATENTS and TRADEMARKS

CHECK NO:

VENDOR ID: 033393.0005

CHECK DATE: August 23, 2002

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	AMOUNT
1	August 23, 2002	Petition Fee	\$130.00

☐ PROVISIONAL  
☒ UTILITY☐ DESIGN  
☐ PCT

PATENT

Application No. 10/035,952

Date August 23, 2002

Client/Matter No. 66566.01 US2

Dir. No. 033393.0005

Inventor(s): Ajit RAJASEKHERAN

Att./Sec. TQC/CDH

Title: SYSTEM AND METHOD FOR AUTHORIZING AND PROVIDING  
INFORMATION RELEVANT TO A PHYSICAL WORLDThe following has been received in the U.S. Patent and Trademark Office on the  
date stamped hereon:

- ☒ Second Person Under 37 C.F.R. § 1.182 For Appointment Of A Power Of  
Attorney By Less Than All Applicants
- ☒ Declaration and Power of Attorney (3 Pages)
- ☒ Check No. 015018 in the amount of \$130.00

**DOCKETED**